

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

**IN RE: WAL-MART WAGE AND HOUR
EMPLOYMENT PRACTICES
LITIGATION**

MDL 1735

**Docket No. 2:06-CV-00225-PMP-PAL
(BASE FILE)**

**THIS DOCUMENT RELATES TO ALL
CASES EXCEPT KING v.
WAL-MART STORES, INC., CASE NO.
07-1486-WY**

**STATEMENT OF CO-LEAD COUNSEL, CAROLYN BEASLEY BURTON,
REGARDING DOCKET NOS. 567, 571, 573 AND 577**

Co-Lead Counsel Carolyn Beasley Burton submits this statement to clarify and correct confusing statements contained in Docket Nos. 567, 571, 573 and 577, which were filed by Co-Lead Counsel Robert Bonsignore on January 14, 2010 (Dkt Nos. 567, 571), January 15, 2010 (Dkt No. 573) and January 21, 2010 (Dkt No. 577) respectively.

In the Memorandum of Points and Authorities in support of a cost bond (Dkt No. 567), accompanying Declarations of Amanda Myette (Dkt Nos. 571 and 577), and Errata to the Memorandum (Dkt No. 573), Mr. Bonsignore asserts that the Court may require the professional objectors to include an additional \$1,677,235.36 in the requested cost bond to cover the cost of issuing a supplemental notice to the entire Class.¹ This additional cost is predicated upon the incorrect assumptions that the parties have

¹ In her January 14, 2010 Declaration (Dkt No. 571), Amanda Myette stated that the cost of providing class notice, including publication, was \$1,680,779.36 and that the Claims Administrator, Rust Consulting, estimates the cost of an additional class notice, including publication, to be \$1,677,235.36.

1 agreed to distribute a second class-wide notice concerning the delays caused by the pending appeals, and
2 that such notice would be sent to *all* of the 3.18 million class members via first class mail, as well as
3 published in Parade Magazine.

4 This is incorrect. Wal-Mart has expressly informed both Co-Lead Counsel prior to these filings
5 that it has not yet agreed to the necessity or appropriateness of issuing *any* further notice to the Class.
6 Moreover, even assuming that such a notice may be required, there would be no necessity or justification
7 for sending it to *all* of the class members. Instead, the mailed notice would be limited to only those class
8 members who submitted claims, as only those persons would have any continuing interest in this matter.
9 Inasmuch as all Claimants have submitted their current mailing address to the Claims Administrator,
10 there would be no need for an additional published notice. Co-Lead Counsel Burton notified Mr.
11 Bonsignore of these considerations prior to his filings, and thereafter requested that he submit an errata to
12 avoid confusing or misleading the Court.
13

14 Co-Lead Counsel Burton understood that these errors would be brought to the Court's attention
15 through the Errata filed by Mr. Bonsignore on January 15, 2010. But, the third paragraph of that
16 submission (Dkt No. 573) again wrongly suggests that the Court may "set the bond including
17 \$1,677,235.36, the cost of notice. *See e.g.* Attachment A, Affidavit of Amanda J. Myette Relating to
18 Cost of Additional Class Notice Relating to the Appeal." On January 21, 2010, Mr. Bonsignore
19 inexplicably filed another Declaration of Amanda J. Myette (Dkt No. 577) in support of the appeal bond
20 request, this time stating that the cost of providing notice to the entire Class was \$1,680,779.36.
21
22
23
24

25 //

26 //

1 Because the Parties have not yet agreed to issue any supplemental notice at this time, nor
2 determined the costs of sending such notice to the Claimants, Co-Lead Counsel Burton submits that the
3 cost of providing supplemental notice to the entire Class should not be included as a component of the
4 appeal bond.
5

6 Dated: January 26, 2010

Respectfully submitted,

7
8 /s/ Carolyn Beasley Burton
9 Carolyn Beasley Burton
10 THE MILLS LAW FIRM
11 880 Las Gallinas Avenue, Suite 2
12 San Rafael, CA 94903
13
14
15
16
17
18
19
20
21
22
23
24
25
26